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Preparatory Commission for the International Criminal Court

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Draft report of the Preparatory Commission for the International Criminal Court

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Introduction

1. The Preparatory Commission for the International Criminal Court, established in accordance with resolution F adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, continued to carry out its mandate, in accordance with resolution F of the Conference and General Assembly resolutions 53/105 of 8 December 1998, 54/105 of 9 December 1999 and 55/155 of 12 December 2000, and to discuss ways to enhance the effectiveness and acceptance of the Court.

2. In accordance with General Assembly resolutions 54/105 and 55/155, the Preparatory Commission met at United Nations Headquarters for its sixth, seventh and eighth sessions from 27 November to 8 December 2000, 26 February to 9 March 2001 and 24 September to 5 October 2001.

3. The Bureau, as elected by the Preparatory Commission at its 1st and 2nd meetings, on 16 and 22 February 1999, continued to act as the Bureau of the Commission at its sixth, seventh and eighth sessions. At its 30th meeting, on 24 September 2001, the Commission was informed that Muhamed Sacirbey (Bosnia and Herzegovina) would no longer be available to act as Vice-Chairman of the Commission.

4. At its fifth session, from 12 to 30 June 2000, the Preparatory Commission adopted a report on the work of the Commission at its first to fifth sessions,[1] to which was annexed the finalized draft texts of the Rules of Procedure and Evidence (PCNICC/2000/1/Add.1) and of the Elements of Crimes (PCNICC/2000/1/Add.2).

5. At its eighth session, at the 33rd meeting, on 5 October 2001, the Preparatory Commission adopted a further report on its work, containing, in accordance with paragraph 5 of resolution F of the Conference, the draft texts of the Relationship Agreement between the Court and the United Nations, the Financial Regulations, the Agreement on the Privileges and Immunities of the Court, and the Rules of Procedure of the Assembly of States Parties.

6. These draft texts had been prepared in the context of working groups of the Preparatory Commission. To facilitate the tasks of the Commission, the Chairman, in consultation with the Bureau, had designated the following as coordinators of the working groups:

- Cristian Maquieira (Chile), Coordinator for the Working Group on a Relationship Agreement between the United Nations and the International Criminal Court;
- Georg Witschel (Germany), Coordinator for the Working Group on Financial Regulations and Rules;
- Phakiso Mochochoko (Lesotho), Coordinator for the Working Group on an Agreement on the Privileges and Immunities of the International Criminal Court;
- Saeid Mirzaee-Yengejeh (Islamic Republic of Iran), Coordinator for the Working Group on the Rules of Procedure of the Assembly of States Parties.

7. The Preparatory Commission was addressed by Hans Holthuis, Registrar of the International Tribunal for the Former Yugoslavia, at its 28th meeting, on 6 March 2001, and at its 32nd meeting, on 1 October 2001, and by Adama Dieng, Registrar of the International Criminal Tribunal for Rwanda, also at the 32nd meeting.

8. The Preparatory Commission noted with satisfaction that, during its sixth to eighth sessions, a total of 50 delegates had made use of the trust fund which, pursuant to paragraph 8 of General Assembly resolution 53/105, had been established to facilitate the participation of the least developed countries in the work of the Commission. The Commission expressed its appreciation to Denmark, the United Kingdom of Great Britain and Northern Ireland and the European Commission for their contributions to the trust fund, as well as to the International Human Rights Law Institute of DePaul University (United States of America) for providing accommodation to delegates from the least developed countries who attended the seventh and eighth sessions.

9. The list of documents relating to the Relationship Agreement between the Court and the United Nations, the Financial Regulations, the Agreement on the Privileges and Immunities of the Court, and the Rules of Procedure of the Assembly of States Parties issued at the sixth to eighth sessions of the Commission, held in 2000 and 2001, is contained in annex III to the present report.

Notes

[1] PCNICC/2000/1. The Preparatory Commission's first to fifth sessions were held from 16 to 26 February, 26 July to 13 August and 29 November to 17 December 1999 and from 13 to 31 March and 12 to 30 June 2000.